

Remarks/Arguments:

Claims 38-58 are pending and rejected in the application. Claims 33, 42 and 51 have been amended. New claim 59 has been added. No new matter has been added.

On page3, the Official Action rejects claims 33-58 under 35 U.S.C. §102(a) as being anticipated by Yonezawa (JP 2003-244251). It is respectfully submitted, however, that the claims are patentable over the art of record for at least the reasons set forth below.

Applicants' invention, as recited by claim 42, includes features which are neither disclosed nor suggested by the art of record, namely:

**... in order to sustain the tunnel communication
between the data processing apparatus and the other
data processing apparatus ...**

**... wherein the sustain data indicates a connection time
of the tunnel communication.**

Applicants' claim 42 relates to an access apparatus that receives a demand for sustain data. Specifically, the sustain data indicates a connection time of the tunnel communication between a data processing apparatus and another data processing apparatus. Support for these features can be at least found on pages 9 and 25 of Applicants' specification and furthermore in Figs. 2, 21, 22 and 23. No new matter has been added.

Yonezawa suggests a system for setting up tunnel communication between a client and a server. Specifically, as shown in Fig. 1, tunnel client 11 sends a request to tunnel broker 12 for requesting tunnel communication to server 13 (tunnel client 11 wants to set up the tunnel communication with tunnel server 13). This feature is at least supported in paragraphs [0011], [0012] and [0035] of Yonezawa. Thus, the tunnel client 11 receives the sustain data from the tunnel server 13 to which it performs tunnel communication with. Yonezawa, however, does not suggest another client to which tunnel client 11 is communicating with based on the sustain data (the sustain data sustains communication between the client and server, not the client

and another client). Furthermore, Yonezawa does not suggest that the sustain data indicates a connection time of the tunnel communication (the period in which tunnel communication can be performed).

Applicants' claim 42 is different then the art of record, because the sustain data which indicates a connection time of tunnel communication is received from a tunnel server. Specifically, the sustain data is utilized to sustain tunnel communication between a data processing apparatus and another data processing apparatus (not the server) ("*... sustain the tunnel communication between the data processing apparatus and the other data processing apparatus ... wherein the sustain data indicates a connection time of the tunnel communication*").

As shown in Applicants' Fig. 21, a first data processing apparatus 1 requests sustain data from tunnel managing apparatus 8 via access apparatus 7. The sustain data transmitted from tunnel managing apparatus 8 is relayed to first data processing apparatus 1 by access apparatus 7. Upon receiving the sustain data, the first data processing apparatus is able to sustain tunnel communication with a second data processing apparatus 2 (another data processing apparatus which is not the server). Therefore, although the sustain data was transmitted from tunnel managing apparatus 8 (server), tunnel managing apparatus 8 is not part of the tunnel communication (the tunnel communication occurs between the first data processing apparatus 1 and the second data processing apparatus 2).

Furthermore, the sustain data recited in Applicants' claim 42 indicates the connection time of the tunnel communication between the first data processing apparatus and second data processing apparatus. The sustain data is at least shown in Fig. 20 were a remaining available time of 323 minutes and 5 seconds is indicated. This indicates that the tunnel communication between the first data processing apparatus 1 and second data processing apparatus 2 may occur for another 323 minutes and 5 seconds before it is terminated.

Support for the features of applicants' claim 42 can be at least found on pages 9, 25, 50 and 51 of the specification ("*as shown in Fig. 8A the tunnel communication data carries at the beginning of the first device identifier D001, the second device identifier D002, and the remaining of the connection time 300 minutes. ... In turn,*

the sustain data transmitting unit 45 accesses the tunnel communication data shown in Fig. 20 and transmits to the first data processing apparatus 5 the sustain data carrying remaining of "323 minutes 5 seconds" ... the sustain data is then received by ... the first data processing apparatus ... and judged at tunnel communication is sustainable ... it allows a tunnel communication between the first data processing apparatus 5 and the second data processing apparatus 6 to proceed for a longer period of time").

Accordingly, for the reasons set forth above, claim 42 is patentable over the art of record.

Claims 33 and 51 have similar features to claim 42. Thus, claims 33 and 51 are also patentable over the art of record for at least the reasons set forth above.

Dependent claims 34-41, 43-50 and 52-58 include all of the features of the claims from which they depend. Thus, these claims are also patentable over the art of record for at least the reasons set forth above.

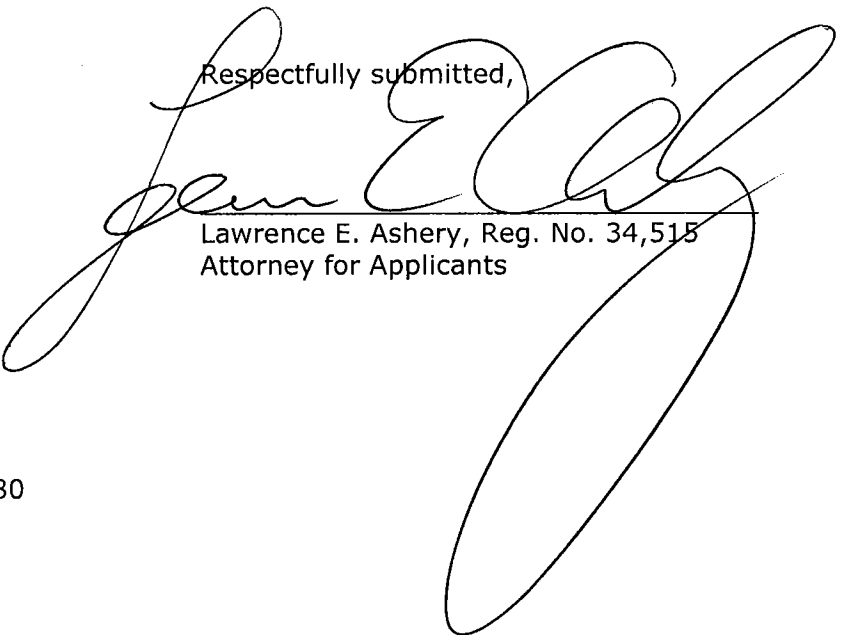
New dependent claim 59 has been added to the application. Claim 59 is directed to the sustain data including an allow/disallow flag for indicating whether the tunnel communication is allowed or not, or the sustain data including a charging information for indicating a cost to be charged for the tunnel communication. Support for these features can be at least found on pages 31 and 32 of the specification ("*tunnel communication data may contain a communication allow/disallow flag in place of the remaining of the available time. The communication allow/disallow flag indicates whether the tunnel communication is allowed or not ... after the tunnel communication is completed, its cost may be charges to the user for the consumption, but not the remaining of the available time which has been recorded. In the latter case, the consumption of time is a data for payment of the tunnel communication.*"). Yonezawa is silent about the features in Applicants' new claim 59. Thus, claim 59 is allowable over Yonezawa due to its dependency on allowable claim 33.

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In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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